

LOCAL RULES OF PRACTICE AND PROCEDURE
FOR THE MONROE CIRCUIT COURT

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RULE 1

SERVICE OF PROCESS

A. **SERVICE BY MAIL:** Except for ejectment cases, service of process in civil cases should be made by certified or registered mail, whenever possible.

B. **SERVICE BY SHERIFF:** When service of process is to be made by the Sheriff, the attorney seeking service shall attach to the face thereof a sheet providing the following information about the person to be served, to the extent available:

1. Name and brief physical description;
2. Address, as complete as possible; i.e., if a county address, not only the rural route and box number but specific driving directions, landmarks, etc. Include apartment number or lot number if applicable;
3. Whether or not a restraining order is attached;
4. Place of employment and work shift;
5. Telephone number;
6. Name of person residing with, if not at own address; and
7. Date of birth and Social Security number.

All papers not meeting the requirements of this subdivision shall be returned unserved by the Sheriff to the filing party.

RULE 2

APPEARANCE AND WITHDRAWAL

A. **WITHDRAWAL OF APPEARANCE:** All withdrawals of appearance shall be in writing and only by leave of Court. Petitions to withdraw may be filed no earlier than five days after the attorney has certified written notice to the client of the intention to withdraw, unless there is a simultaneous or prior entry of appearance by the new attorney. The written notice shall state any pending deadlines or hearing dates and a copy of said notice shall be attached to the petition to withdraw.

RULE 3

PREPARATION OF PLEADINGS AND ORDERS

A. **PRODUCTION:** All pleadings and proposed orders shall be typewritten on opaque white paper, eight and one-half inches (8-1/2") wide and eleven inches (11") long. If a pleading or proposed order involves two different case numbers, a separate pleading and proposed order shall be filed with the Court for each cause number.

B. **PROPOSED ORDERS:** Any attorney filing a motion shall, at the time of filing, provide the Court with an original proposed order and sufficient copies for each party and an extra copy for the Court. Proposed orders shall include a full distribution list of attorneys or parties to whom the order should be sent.

C. **FILING BY ELECTRONIC FACSIMILE TRANSMISSION:** Pleadings may be filed by facsimile. Facsimile filing does not require follow up filing of duplicate original documents.

RULE 4
MOTIONS

A. ENLARGEMENT OF TIME TO ANSWER: An initial written motion for enlargement of time to file an answer or other responsive pleadings shall be automatically allowed for an additional thirty (30) days from the original due date without order of the Court. Said motion shall state the original date when the response was due and the date to which time is enlarged. For this rule to be applicable, the motion must be filed on or before the original due date.

B. ACCOMPANYING LEGAL MEMORANDUM: A separate legal memorandum shall be filed with any Motion to Dismiss, Motion for Judgment on the Pleadings, Motion for More Definite Statement and Motion to Strike. A party opposing such motion shall file a response memorandum within twenty (20) days of the filing of the motion or the motion shall be subject to summary ruling.

C. TRIAL RULE 12(B) DEFENSES: The requirement of a legal memorandum set for the above shall apply with regard to any defense listed under Trial Rule 12(b).

D. REQUEST FOR ARGUMENT: When oral argument is requested, the request shall be by separate pleading and shall be filed with the pleading to be argued.

RULE 5

INTERROGATORIES

A. **NUMBER OF INTERROGATORIES:** The number of interrogatories which may be served pursuant to Rule 33 shall be limited so as to require the answering party to make no more than fifty (50) answers. Waiver of this limitation by order of the Court will be granted in cases in which such limitation would work a manifest injustice or would be impractical because of the complexity of the issues of the case.

B. **FORM OF ANSWERS OR OBJECTIONS:** Answers or objections to interrogatories shall set forth in full the interrogatory being answered or objected to immediately preceding the answer or objection.

RULE 6
DEPOSITIONS

A. **VIDEO TAPE DEPOSITIONS:** A transcript of the video tape testimony shall be tendered to the Court when the deposition is offered into evidence. Any party may view a video taped deposition in the custody of the Court only upon order of the Court.

B. **DEPOSITIONS OF EXPERTS:** All depositions of experts shall be admissible at trial unless objection to the admissibility be given in writing five (5) days prior to the taking of said deposition or within ten (10) days subsequent to notice of the deposition, whichever deadline occurs first. A copy of the notice shall be tendered to the reporter at the time of taking the deposition for inclusion with the deposition. In the absence of such written notification, the deposition of an expert may be admitted by stipulation. The presence of the expert within the limits of the subpoena area shall not be grounds, in and of itself, for the inadmissibility of the deposition at trial. Notwithstanding the above, either party may subpoena such expert for the trial.

C. **COPY OF DEPOSITION:** Any party or counsel to an action may obtain a xerox copy of a deposition on file with the Clerk of the Court upon tender of a receipt showing payment to the deposing party of 50% of the cost of said deposition. In addition, the requesting party of counsel shall tender to the Clerk the present statutory rate per page for the copying service.

RULE 7
CONTINUANCES

A. CONTINUANCES DISCOURAGED: Motions for continuance are discouraged and the Court rejects the notion of automatic continuances by purported custom and tradition.

B. WRITTEN MOTION: A motion for continuance, unless made during the hearing of the cause, shall be written, signed and verified. Such motion shall comply in all respects with Trial Rule 53.5 of the Indiana Rules of Trial Procedure.

C. SCHEDULING CONFLICTS: A motion for continuance based upon a scheduling conflict with another cause shall specify the Court, the case name, the Cause number, the date the hearing or trial was set, and the type of hearing or trial.

D. DUTY TO CONFER: Before requesting a continuance, the moving party shall confer with the other parties to determine any objections and to ascertain dates for rescheduling when all parties are available. Such objections and alternative dates shall be reported in the motion for continuance.

RULE 8

SPECIAL PROCEEDINGS

A. **CHILD SUPPORT GUIDELINE WORKSHEET:** In any proceeding involving child support, each party shall submit to the Court a "Guideline Worksheet" which is complete, signed by the party and verified.

B. **FINANCIAL DECLARATIONS:** In any dissolution of marriage or legal separation proceeding, each party shall complete in full, date, sign and verify a Financial Declarations form as set out herein as Appendix A. The Financial Declarations shall be filed no less than four (4) working days before the contested hearings. Failure to do so may subject the party and/or the attorney to sanctions.

C. **FINANCIAL DECLARATIONS - ADMISSIBILITY:** Absent objection, the Financial Declarations shall be considered as received in evidence, subject to cross examination. Direct examination on matters in the Financial Declarations should be confined to corrections or unusual factors needing further explanation.

D. **WRITS OF ATTACHMENT:** Unless otherwise ordered by the Court, writs of attachment shall expire six (6) months after issuance. Upon expiration, the pending proceeding supplemental shall be dismissed.